

## **DETAILED ACTION**

### ***Application Status***

Claims 1-2, 21 and 30-33 are currently pending in the instant Office action.

In response to a previous Office action, a Non-final action (mailed on August 27, 2007), Applicants filed a response and amendment received on December 20, 2007, amending claims 1 and 2 is acknowledged. Claims 30-33 remain withdrawn and claims 3-20 and 22-29 remain cancelled. Claims 1-2 and 21 are under consideration and will be examined herein.

Applicants' arguments filed on February 26, 2007, have been fully considered and are deemed to be persuasive to overcome some of the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

### ***Withdrawn Claim Rejections - 35 U.S.C. § 112(2)***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Previous rejection of Claims 1, 2 and 21 under 35 U.S.C. 112, second paragraph, as being indefinite in the recitation "neuronally active" is withdrawn in view of applicants amendment of claim 1.

Previous rejection of Claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite in the recitation of "said amino acid sequence" is withdrawn in view of applicants amendment of claim 2.

### ***New-Claim Rejections - 35 U.S.C. § 112 (2<sup>nd</sup>)***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1652

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite and vague for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is indefinite and vague as it is unclear, how claim 2 limits claim 1 because all proteins within claim 1 will comprise a fragment of SEQ ID NO: 1 as a sequence cannot be 95% identical to SEQ ID NO: 1 without comprising a fragment thereof.

***Withdrawn-Claim Rejections - 35 U.S.C. § 112 (1st)***

Previous rejection of Claims 1-2 and 21 are rejected under 35 U.S.C. 112, first paragraph, on written description issues is withdrawn in view of applicants amendment of claim 1, in particular, adding functional feature of claimed polypeptide of SEQ ID NO: 1, i.e. “the protein inhibits neurite retraction ----- in an LPA induced neurite retraction assay”.

Previous rejection of claims 1-2 and 21 under 35 U.S.C. § 112, first paragraph, as failing to comply with enablement requirement, is also withdrawn in view of applicants amendment of claim 1 in particular, adding functional feature of claimed polypeptide of SEQ ID NO: 1, i.e. “the protein inhibits neurite retraction ----- in an LPA induced neurite retraction assay”.

***Conclusion***

Claims 1-2, 21 and 30-33 are currently pending.

Claims 30-33 are withdrawn.

Claim 2 is rejected.

Claims 1 and 21 are allowed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury, Ph.D. whose telephone number is 571-272-8137. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 703-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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